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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,031	09/26/2003	Mario Rios	F 1845	7697

7590 08/26/2005

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EXAMINER

RODRIGUEZ, PAMELA

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,031

Applicant(s)

RIOS, MARIO

Examiner

Pam Rodriguez

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claims 1-9 is withdrawn in view of the newly discovered reference(s) to Beierwaltes et al (U.S. Patent no. 5,559,409). Rejections based on the newly cited reference(s) follow.
2. Applicant is advised that the Notice of Allowance mailed is vacated. If the issue fee has already been paid, applicant may request a refund or request that the fee be credited to a deposit account. However, applicant may wait until the application is either found allowable or held abandoned. If allowed, upon receipt of a new Notice of Allowance, applicant may request that the previously submitted issue fee be applied. If abandoned, applicant may request refund or credit to a specified Deposit Account.

Non-compliant Amendment Note

3. In applicant's amendment filed January 14, 2005, the examiner noticed that applicant did not provide a complete listing of all of the claims including their proper status identifiers, thus constituting a non-compliant amendment. Applicant is encouraged that any further amendments filed must include this complete listing with the appropriate claim status of each properly designated.

Claim Rejections - 35 USC § 112

4. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In line 11 of Claim 1, the term "each extending" is indefinite. It is unclear which component the word "each" is referring to here. Each side member? Each slot? Each flange member? Etc..... The examiner suggests inserting the phrase —each flange member—in its place to overcome this rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's prior art Figures 3A and 3B in view of U.S. Patent no. 5,559,409 to Beierwaltes et al.

Regarding Claim 1, applicant's prior art figures 3A and 3B disclose spring mechanisms 14 for trailer ramp doors 12 capable of being completely enclosed in slots formed in rectangular side members 20 of a trailer rear entrance frame 22 comprising a pair of springs 14, each having a top end 18 and a bottom end 24.

However, applicant's prior art figures do not disclose the presence of slots within the side members of the trailer rear entrance frame having means for securing the springs' top and bottom ends within these slots nor flange members extending outwardly from the side members of a ramp door frame, whereby closing the trailer ramp door inserts each of the springs into each of the slots while each of the flange members completely enclose each of the springs in each of the slots.

Beierwaltes et al are relied upon merely for their teachings of spring mechanisms 46 and 48 (see Figure 2), each having a top and a bottom end, means 50 for securely attaching a top end separately inside slot 54 formed in each of two side members of a frame (see Figure 2), and means 52 for securely attaching each bottom end to the inner surface of two flange members, each flange member extending outwardly from each of the two side members of the frame (see column 5 lines 16-21, which disclose how the slots 54 can be covered by a partially enclosed "channel member", readable as a flange member), whereby closing the window/door inserts each of the springs into each of the

slots while each of the flange members would completely enclose each of the springs in each of the slots (see column 5 lines 16-21).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the spring mechanisms of applicant's prior art figures 3A and 3B into a concealed slot/flange arrangement within the trailer frame as suggested by Beierwaltes et al in order to make the springs visually unobtrusive and hidden from view, yet still allow the trailer door to be closed.

Regarding Claim 2, Beierwaltes et al further disclose a pair of yoke members 50 each of which securely holds each of the top ends of the springs 46 and 48, each of the yoke members being inserted into one of the slots 54 and securely attached to the inner surface of one of the side members of the frame (see Figure 2).

Regarding Claim 3, Beierwaltes et al disclose a pair of yoke members 52 each of which securely holds one of the bottom ends of the springs 46 and 48, each of the yoke members being securely attached at its bottom to the inner surface of one of the flange members (as alluded to in column 5 lines 16-21).

Regarding Claim 4, see Claims 1 and 3.

Regarding Claim 5, see Claim 2.

Regarding Claim 6, see Claim 3.

Regarding Claim 7, see Claims 1-3.

Regarding Claim 8, see Claim 3.


Regarding Claim 9, see Claim 2.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pam Rodriguez whose telephone number is 571-272-7122. The examiner can normally be reached on Mondays 5 am -3:30 pm and Tuesdays 5 am -11 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chuck Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Pam Rodriguez
Primary Examiner
Art Unit 3683
8/16/05

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08/16/05